

## CHAPTER 69 MILK AND MILK PRODUCTS

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**69-1. Definitions.** The following definitions shall apply in the interpretation and enforcement of this chapter:

**1. ACIDIFIED MILK AND MILK PRODUCTS.** Acidified milk and milk products are milk and milk products obtained by the addition of food grade acid to pasteurized cream, half-and-half milk, or skim milk, resulting in a product with acidity not less than 2/10th of 1% expressed as lactic acid. Acidified milk and milk products conform to the definitions of milk and milk products prescribed in this section, except the name of the product shall be immediately preceded by the word "acidified."

**2. ADULTERATED MILK AND MILK PRODUCTS.** Any milk or milk products shall be deemed to be adulterated:

a. If it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health.

b. If it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by state or federal regulation, or in excess of such tolerance if one has been established.

c. If it consists, in whole or in part, of any substance unfit for human consumption.

d. If it has been produced, processed, prepared, packed or held under insanitary conditions.

e. If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or

f. If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

**3. AND/OR.** Where the term "and/or" is used, "and" shall apply where appropriate, otherwise "or" shall apply.

**4. APPROVED.** Approved shall mean approved by the commissioner of health.

**5. BUTTERMILK.** a. Buttermilk is a fluid product resulting from the churning of milk or cream. It contains not less than 8.25% milk solids not fat.

b. Cultured Buttermilk. Cultured buttermilk is a product obtained by ripening pasteurized milk or pasteurized skim milk by means of lactic acid producing culture, or made from pasteurized reconstituted skim milk. It contains not less than 8.25% of milk solids not fat. Butterfat granules, sodium citrate, salt, nonfat dry milk, lactose and a harmless stabilizer may be added.

**6. COMMISSIONER OF HEALTH.** The commissioner of health shall mean the commissioner of health of the city of Milwaukee or his authorized representatives.

**7. CONCENTRATED MILK.**

a. Concentrated milk is a fluid product, unsterilized and unsweetened, resulting from the removal of a considerable portion of the water from milk or from the addition of milk solids and milk fat to milk.

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When recombined with water in accordance with instructions printed on the container, the resulting product conforms with the standards of milk fat and solids not fat of milk.

b. Concentrated milk products are homogenized concentrated milk, fortified milk, concentrated skim milk, concentrated flavored milk, concentrated flavored drink, and similar concentrated products made from concentrated milk or concentrated skim milk, as the case may be, and which, when recombined with water in accordance with instructions printed on the container, conform with the definitions of the corresponding milk products.

8. COTTAGE CHEESE. a. Cottage cheese is the soft uncured cheese made from sweet pasteurized skim milk or from plain, condensed skim milk or concentrated skim milk or from nonfat dry milk solids. Calcium chloride may be added in quantity not more than .02%, calculated as anhydrous calcium chloride, of the weight of such skim milk; coagulation may be accomplished by the addition of harmless lactic-acid-producing bacteria, lactic acid, citric acid, phosphoric acid, hydrochloric acid or by a combination of these. Rennet may or may not be added. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained. The curd may be washed with water and further drained. It may be pressed, chilled, worked, seasoned with salt. The finished cheese contains not more than 80% of moisture. Cottage cheese or creamed cottage cheese produced by the controlled acidification process shall bear a label statement approved by the department of agriculture and asserting this fact.

b. Creamed cottage cheese is the soft uncured cheese prepared by mixing cottage cheese with pasteurized cream or a pasteurized mixture of cream with milk or skim milk or both. Such cream or mixture is used in such quantity that the milk fat added thereby is not less than 4% by weight of the finished creamed cottage cheese. The finished creamed cottage cheese contains not more than 80% of moisture. Such creaming mixture may contain one or more of the following optional ingredients: harmless lactic acid or flavor producing bacteria, rennet, lactic acid, citric acid, phosphoric acid. One or more of the

following stabilizing ingredients may be added: carob (locust) bean gum, guar gum, gum karaya, gum tragacanth, carrageenan or salts of carrageenan, furcellaran or salts of furcellaran, gelatin, lecithin, algin (sodium alginate), propylene glycol alginate, sodium carboxymethylcellulose (cellulose gum). Stabilizing ingredients may be added in a mixture with a carrier consisting of one or more of the following: sugar, dextrose, corn syrup solids, dextrin, glycerin, propylene glycol. The quantity of the stabilizing ingredient, including the weight of the carrier, is such that the weight of the solids contained therein is not more than 0.5% of the weight of the creaming mixture. Whenever one of the optional stabilizing ingredients is used, the name of the ingredient shall be stated on the label. If the ingredient used is carob (locust) bean gum, guar gum, gum karaya or gum tragacanth, the name vegetable gum may be used in lieu of the specific name.

9. CREAM. Cream is a portion of milk which contains not less than 18% milkfat.

a. Light Cream, Coffee Cream or Table Cream. Light cream, coffee cream or table cream is cream which contains less than 30% milkfat.

b. Whipping Cream. Whipping cream is cream which contains not less than 30% milkfat.

c. Whipped Cream. Whipped cream is cream to which a harmless gas has been added to cause whipping of the product. It may also contain sugar, nonfat dry milk, lactose, other harmless flavoring and a harmless stabilizer.

d. Sour Cream. Sour cream is cream the acidity of which is more than 0.2% expressed as lactic acid, produced by natural bacterial action or the use of a lactic acid producing culture and contains not less than 18% butterfat. Salt, lactose, harmless stabilizers and emulsifiers, nonfat dry milk solids, rennet, citric acid and a starter culture distillate may be added. Starter culture distillate is the condensate obtained by distillation of volatile fractions produced in milk by a lactic producing culture, and may be declared on the label as natural flavor.

e. **Cultured Cream or Cultured Sour Cream.** Cultured cream or cultured sour cream conforms to the definition for sour cream except that it is produced only by means of a lactic acid producing culture and does not contain citric acid or a starter culture distillate.

**10. CULTURED MILK.** a. Cultured milk is a fluid or semi-fluid product resulting from the souring or treatment, by a lactic acid or other culture, or pasteurizing milk, pasteurized reconstituted milk or pasteurized concentrated milk. It contains not less than 8.25% solids not fat and not less than 3.3% milkfat. Lactose and a harmless stabilizer may be added.

b. **Yogurt or yoghurt** is the product resulting from the souring or treatment by lactic acid or other culture of pasteurized milk, low fat milk or skim milk. It contains not less than 8.5% milk solids not fat. Flavoring, lactose and harmless stabilizers and emulsifiers may be added. If made with added fruit, the resulting product shall be labeled "yogurt with .....", with the blank being filled in with the name of the fruit. Yogurt flavored with a flavoring material shall be labeled ".....flavored yogurt," the blank being filled in with the name of the flavoring material.

**11. EGG NOG.** Egg nog shall contain a minimum of 6% butterfat and at least 1% total egg yolk solids. It may be sweetened and may also contain flavoring, spices, salt, nonfat dry milk, lactose and a harmless stabilizer.

**12. FLAVORED DRINK, FLAVORED DAIRY DRINK OR FLAVORED SKIM MILK.** Flavored drink, flavored dairy drink or flavored skim milk is skim milk and may be sweetened and flavored with harmless food flavoring. It may contain added salt, nonfat dry milk, lactose, food grade acids and a harmless stabilizer. The common or usual name of the flavoring used must immediately precede the product name.

**13. FLAVORED MILK.** Flavored milk is milk flavored with harmless food flavoring and may be sweetened. It may contain salt, nonfat dry milk, lactose, food grade acids and a harmless stabilizer, and contain not less than 3.3% milk fat. The common or usual name of the flavoring used must immediately precede the product name.

**14. FORTIFIED MILK AND MILK PRODUCTS.** Fortified milk and milk products are milk and milk products other than vitamin D milk and milk products, the vitamin and/or mineral content of which have been increased by a method and in an amount approved by the commissioner of health. Lactose, nonfat dry milk or concentrated skim milk may be added. Each container of any milk or milk product which has been fortified shall be plainly labeled to show the number of units or milligrams of added vitamins and minerals per quart and the addition of any lactose, nonfat dry milk or concentrated skim milk.

**15. GRADE A DRY MILK PRODUCTS.** Grade A dry milk products are milk products which have been produced for use in Grade A pasteurized milk products and which have been manufactured under the provisions of the U.S. Public Health Service Recommended Sanitation Ordinance for the Condensed and Dry Milk Products used in Grade A Pasteurized Milk Products (Grade A Condensed and Dry Milk Products), 1971 Edition, and ch. ATCP 64, Wis. Adm. Code, as amended.

**16. HALF AND HALF.** Half and half is a product consisting of a mixture of milk or skim milk and cream which contains not less than 10.5% milk fat. Lactose or nonfat dry milk, or both, may be added.

a. **Sour Half and Half.** Sour half and half conforms to the definition for sour cream under sub. 9-d, except it is manufactured from half and half rather than cream.

b. **Cultured Half and Half or Cultured Sour Half and Half.** Cultured half and half or cultured sour half and half conforms to the definition for cultured cream or cultured sour cream under sub. 9-e, except it is manufactured from half and half rather than cream.

**17. HOMOGENIZED MILK.** Homogenized milk is milk which has been treated to insure breakup of the fat globules to such an extent that after 48 hours of quiescent storage at 45° F., no visible cream separation occurs on the milk, and the fat percentage of the top 100 milliliters of milk in a quart, or of proportionate volumes in containers of other sizes, does not differ by more than 10% from

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the fat percentage of the remaining milk as determined after thorough mixing. The word "milk" shall be interpreted to include homogenized milk.

**18. LOW FAT MILK.** Low fat milk is milk from which a sufficient portion of milk fat has been removed to reduce its milk fat content to not less than 0.5% and not more than 2%. It shall contain not less than 8.5% milk solids not fat. Milk solids or lactose may be added. Low fat milk shall be clearly labeled to indicate the percentage of butterfat contained therein.

**19. MILK.** Milk is the whole, fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows. Milk shall contain not less than 3% of milk fat and not less than 8.25% of milk solids not fat. Milk may be standardized by the addition or removal of cream or by the addition of skim milk. When so standardized, milk shall contain not less than 3.3% of milk fat and not less than 8.25% of milk solids not fat. Milk fat or butterfat is the fat of milk.

a. **Extra Rich Milk.** Extra rich milk is milk which contains not less than 4% milk fat.

b. **Goat Milk.** Goat milk is the lacteal secretion, practically free from colostrum, obtained by the complete milking of healthy goats. The word "milk" shall be interpreted to include goat milk, except that goat milk shall be labeled goat milk.

**20. MILK PRODUCTS.** Milk products shall be taken to mean and include: cream, light cream, coffee cream, table cream, whipping cream, whipped cream, sour cream, cultured cream, cultured sour cream, half and half, sour half and half, cultured half and half, cultured sour half and half, concentrated milk, concentrated milk products, skim milk, skimmed milk, vitamin D milk, vitamin D milk products, fortified milk, fortified milk products, low fat milk, homogenized milk, flavored milk, flavored drink, flavored dairy drink, flavored skim milk, buttermilk, cultured buttermilk, cultured milk, acidified milk, acidified milk products, egg nog, yogurt, cottage cheese and creamed cottage cheese. This definition does not include such products as sterilized milk and milk products hermetically sealed in a container and so processed, either before or after sealing, as to prevent microbial spoilage, or evaporated milk, condensed milk, ice cream and other frozen desserts, butter dry milk products

(except as defined herein), or cheese, except when they are combined with other substances to produce any pasteurized milk or milk products defined herein.

**21. MISBRANDED MILK AND MILK PRODUCTS.** Milk and milk products are misbranded:

a. When their container(s) bear or accompany any false or misleading written, printed or graphic matter.

b. When such milk and cream products do not conform to their definitions as contained in this section; and

c. When such products are not labeled in accordance with s. 69-4.

**22. OFFICIAL LABORATORY.** An official laboratory is a biological, chemical or physical laboratory which is certified for the applicable tests by the Wisconsin department of health and social services and is under the direct supervision of the commissioner of health, the Wisconsin department of health and social services, or other approved governmental agency.

**23. OFFICIALLY DESIGNATED LABORATORY.** An officially designated laboratory is a commercial laboratory authorized to do official work by the commissioner of health.

**24. PASTEURIZATION.** The terms "pasteurization," "pasteurized," and similar terms shall mean the process of heating every particle of milk or milk product to at least 145° F., and holding it continuously at or above this temperature for at least 30 minutes, or to at least 161° F., and holding it continuously at or above this temperature for at least 15 seconds; provided that milk products which have a higher milk fat content than milk and/or contain added sweeteners shall be heated at least 150° F., and held continuously at or above this temperature for at least 30 minutes; or at least 166° F., and held continuously at or above this temperature for at least 15 seconds; provided, further, that nothing in this definition shall be construed as barring any other pasteurization process which has been recognized by the United States public health service to be equally efficient and which is approved by the state health authority.

**25. PERSON.** The word "person" shall mean any individual, plant operator, partnership, corporation, company, firm, trustee or association.

**26. SANITIZATION.** Sanitization is the application of any effective method or substance to a clean surface for the destruction of pathogens and of other organisms as far as is practicable. Such treatment shall not adversely affect the equipment, the milk or milk product, or the health of the consumers, and shall be acceptable to the commissioner of health.

**27. SKIM MILK OR SKIMMED MILK.** Skim milk or skimmed milk is milk from which a sufficient portion of milk fat has been removed to reduce its milk fat content to less than 5/10ths of 1% and contains not less than 8.5% milk solids not fat. Milk solids or lactose may be added.

**28. VITAMIN D MILK AND MILK PRODUCTS.** Vitamin D milk and milk products are milk and milk products, the vitamin D content of which has been increased by an approved method to at least 400 U.S.P. units per quart. Lactose, nonfat dry milk or concentrated skim milk may be added. Each container shall be plainly labeled to show the number of units of vitamin D per quart added and the addition of any lactose, nonfat dry milk or concentrated skim milk.

**69-2. Milk Product Licenses; Fees. 1. LICENSE. a.**

Required. It shall be unlawful for any person to bring into, send into, or receive into the city for sale, or to sell, or offer for sale therein, or to have in storage where milk or milk products are sold or served any milk or milk products defined in this chapter, unless the commissioner of health has issued a license authorizing said person to do so. Provided, however, that persons handling milk or milk products that will be further treated or altered before being offered to the consumer shall be exempt from this requirement.

b. **Food Vehicle License.** Every person who transports Grade A processed milk or milk products intended for sale or offer within the city shall have a city food vehicle license for each truck, trailer or other vehicle used for this purpose.

c. **Terms.** Only a person who complies with the requirements of this chapter and with the requirements of any rules or regulations which the commissioner of health may adopt pursuant to this chapter shall be entitled to receive and retain any license designated in this section. Licenses shall not be transferable with respect to persons and/or locations.

**2. SUSPENSION. a. Notification.** Any license which has been issued under this section shall be suspended by the commissioner of health whenever he has reason to believe that a public health hazard exists; or whenever the license holder has violated any of the requirements of this chapter; or whenever the license holder has interfered with the commissioner of health in the performance of his duties; provided, that the commissioner of health shall, in all cases, serve upon the holder a written notice of intent to suspend license, which notice shall specify with particularity the violation in question and afford the holder a reasonable opportunity to correct such violation before making any order of suspension effective. Provided further, that where the milk or milk product involved creates or appears to create an imminent hazard to the public health; or in any case of wilful refusal to permit authorized inspection; or when the bacteria counts, or cooling, holding, or product temperatures are in violation of the applicable requirements of this chapter, the commissioner of health shall immediately suspend such license. A suspension of license shall remain in effect until the violation has been corrected to the satisfaction of the commissioner of health.

b. **Hearing.** Upon written appeal of any person whose license has been suspended, or upon appeal within 48 hours of any person who has been served with a notice of intention to suspend, the commissioner of health shall within 72 hours proceed to a hearing to ascertain the facts of such violation or interference and upon evidence presented at such hearing shall affirm, modify or rescind the suspension.

c. **Revocation.** Upon repeated violation, the commissioner of health may revoke such license following reasonable notice to the license holder and an opportunity for a hearing. This section is not intended to preclude the institution of court action as provided in s. 69-16.

**4. LICENSE APPLICATION.**

a. **Issuance.** Licenses shall be issued in the name of the applicant thereof. Before the issuance of any license required under this section, the applicant shall make written application for the required license on a form provided for that purpose by the commissioner of health, on which shall be stated:

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a-1. The name or names in full and the residence and location of the place or places of business of the applicant and, if a corporation, the names of the officers and managers and their addresses in full.

a-2. The number and description of trucks or other vehicles used by the applicant for the purpose of distributing Grade A processed milk or milk products within the city.

a-3. Such other information as the commissioner of health deems necessary for the proper enforcement of this chapter.

b. Notification of Change. If, after the issuance of any license required in accordance with this chapter, any change is made in the location of the place of business of a licensee or change in licensed vehicles, he shall immediately give written notice of any such change to the commissioner of health.

5. POSTING OF LICENSES. Every license which is required in accordance with this section shall be posted by the applicant for the license in plain sight upon some conspicuous part of the room or office or place or vehicle in which the business is carried on and such license shall remain so posted at all times.

### 69-3. Sale of Adulterated, Misbranded, or Ungraded Milk or Milk Products.

1. PROHIBITED. No person shall within the city produce, sell, offer or expose for sale, distribute or have in possession with intent to sell or distribute, any milk or milk product which is adulterated, misbranded or ungraded. It shall be unlawful for any person, elsewhere than in a private home, to have in possession any adulterated, misbranded or ungraded milk or milk products; provided, that in an emergency the sale of ungraded pasteurized milk or pasteurized milk products may be authorized by the commissioner of health upon the approval of the state health officer, in which case they shall be labeled ungraded.

2. CONFISCATED. Any adulterated, misbranded, and/or improperly labeled milk or milk products may be rejected, confiscated, forfeited or destroyed immediately by or under the direction of the commissioner of health, who shall be held harmless in damage therefore in any suit or demand made.

**69-4. Labeling. 1. REQUIREMENTS.** All bottles, containers, and packages enclosing milk or milk products defined in s. 69-1 shall be conspicuously labeled or marked with:

a. The name of the contents as given in s. 69-1.

b. The grade of the contents.

c. The word "pasteurized" if the contents are pasteurized and the identity of the plant where pasteurized.

d. The word "raw" if the contents are raw and the name or other identity of the producer.

e. The designation of "vitamin D" and the number of U.S.P. units per quart in the case of vitamin D milk or milk products.

f. The volume or proportion of water to be added for recombining in the case of concentrated milk or milk products.

g. The words "nonfat milk solids added," "concentrated skim milk added," or "lactose added" if these ingredients have been added.

h. The words "artificially sweetened" in the name if nonnutritive and/or artificial sweeteners are used; and

i. The common name of stabilizers, distillates, and ingredients, provided that:

i-1. In the case of concentrated milk products, the specific name of the product shall be substituted for the generic term "concentrated milk products," e.g., homogenized concentrated milk, concentrated skim milk, concentrated chocolate milk, concentrated chocolate flavored milk.

i-2. In the case of flavored milk, the name of the principal flavor shall be substituted for the word "flavored," except that milk or skim milk flavored with cocoa may be labeled chocolate flavored milk or chocolate flavored skim milk; and

i-3. In the case of cultured milk and milk products, the special type culture used may be substituted for the word "cultured," e.g., acidophilus buttermilk, Bulgarian buttermilk and yogurt.

j. Each package containing a milk or milk product shall be clearly labeled as to the date of processing and packaging of that product. In addition, the shelf life date of that milk or milk product may also be included on the label. The licensed distributor shall furnish, in writing, to the commissioner of health, the interpretation of any code used on such containers to identify the month, day and the year of the processing and packaging date.

**2. SIZE OF LABEL.** The labeling information which is required on all bottles, containers or packages of milk or milk products shall be in letters of an acceptable size, kind and color satisfactory to the commissioner of health and shall contain no marks or words which are misleading.

**69-5. Milk and Milk Products Which May be Sold.** Only Grade A pasteurized milk and milk products shall be sold or distributed to the final consumer, or to restaurants, soda fountains, grocery stores or similar establishments; provided, however, that in an emergency, the sale or distribution of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the commissioner of health; in which case, such milk and milk products shall be labeled ungraded.

**69-6. Requirements for Grade A Pasteurized Milk and Milk Products. 1. TO COMPLY.** All milk and milk products to be offered for sale or distribution in the city shall be in compliance with the "Grade A Pasteurized Milk Ordinance with Administrative Procedures-1965 Recommendations of the United States Public Health Service" and chs. ATCP 60, 80 and 82, Wis. Adm. Code, as amended.

**2. APPROVED PLANTS.** Only milk from plants inspected under an approved, effective Grade A milk inspection program by a recognized official agency shall be offered for sale in the city. The commissioner of health reserves the right, if he deems it necessary, to inspect plants whose milk or milk products are offered for sale in the city to determine if they are in compliance with the latest U.S. public health service Grade A pasteurized milk ordinance.

**3. WHEN DISTRIBUTOR SUSPENDED.** The licensed milk distributor shall notify the health department whenever the permit which is issued by the recognized official inspection agency to a milk plant whose products such licensee is distributing in the city has been suspended or is in the process of suspension.

**4. GRADE A CERTIFICATION.** No Grade A milk or milk products obtained from any plant located in Wisconsin shall be offered for sale or distributed in the city unless such plant has a current Grade A certification issued by the Wisconsin department of health and social services.

**5. PLANTS OUTSIDE THE STATE.** No Grade A milk or milk products obtained from any plant located outside the state of Wisconsin shall be offered for sale or distribution in the city unless such plant has a current Grade A certification issued by the proper certification authority in its state, and such plant shall be listed but not removed from the most recent "Interstate Milk Shippers List" published by the U.S. public health service food and drug administration.

**69-7. Transportation. 1. SANITARY REQUIREMENTS.** Every milk distributor or person owning a food vehicle licensed under this chapter shall maintain the food carrying compartment of such vehicle in a sanitary condition and in a good state of repair. Milk and milk products shall be refrigerated as required in s. 69-10 and shall be protected from dust, splash and other contamination while in transport.

**2. CONTAMINATION.** No distributor or person operating a food transport vehicle shall transport or store any other product with milk and milk products if such products may contaminate milk and milk products or milk and milk products containers.

**3. TO SELL IN ORIGINAL CONTAINERS.** It shall be unlawful to sell or serve any milk or fluid milk product except in the individual, original container received from the distributor or from an approved bulk dispenser; provided that this requirement shall not apply to milk for mixed drinks requiring less than 1/2 pint of milk, or to cream, whipped cream, or half and half which is consumed on the premises and which may be served from the original container of not more than 1/2 gallon capacity, or from a bulk dispenser approved for such service by the commissioner of health.

**69-8. Sanitation Requirements for Retail Outlet of Grade A Pasteurized Milk and Milk Products. 1.** The commissioner of health shall inspect all establishments and places that offer for sale or store Grade A milk and milk products as often as he deems necessary.

**2.** All storage areas and display cases of such establishments shall be kept in a clean and sanitary condition.

**3.** Milk and milk products shall be maintained at the following temperatures to retard their deterioration:

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- a. In storage areas: 40° F. or less.
- b. In retail display cases: 45° F. or less.
4. All cooler equipment shall be maintained in good repair.
5. An approved thermometer accurate within 2° F. shall be located in the warmest zone of each storage area, facility or display case. Display case thermometers shall be so located as to be easily read from the outside of such case.
6. Operators in charge of such establishments or places shall maintain an effective and constant inventory system and shall use this system to properly rotate the milk and milk products. Such operators shall remove all outdated milk and milk products and prevent their sale to the consumer.
7. All milk and milk products shall be packed in approved containers which do not leak and shall properly stack such containers in the display cases.

### 69-9. Examination of Milk and Milk Products.

1. SAMPLES TAKEN. Samples of milk and milk products from dairy retail stores, licensed distributors, food service establishments, grocery stores, vehicles and other places where milk and milk products are sold or transported shall be examined periodically by the commissioner of health; and the results of such examination shall be used to determine compliance with this chapter and rules and regulations adopted pursuant thereto. Licensees of such establishments or vehicles shall furnish the commissioner of health, upon his request, with the names of all distributors from whom milk or milk products are obtained.
2. CORRECTIONS REQUIRED. Whenever a phosphatase test is positive, an investigation shall be made to determine if the milk was improperly pasteurized. Where such investigation verifies improper pasteurization, the milk or milk product involved shall not be offered for sale and steps shall be taken to assure proper pasteurization.
3. LABORATORY STANDARDS. Samples shall be analyzed at an official or officially designated laboratory. All sampling procedures and required laboratory examinations shall be approved by the commissioner of health and shall comply substantially with the criteria set forth for such procedures and examinations in the latest edition of "Standard Methods for the Examination of Dairy Products of the American Public Health Association" and the latest

edition of "Official Method of Analyses of the Association of Official Agricultural Chemists." Such procedures and examinations shall be evaluated in accordance with the methods of evaluating milk laboratories recommended by the United States public health service. Examinations and tests shall be conducted to detect adulterants, including pesticides, as the commissioner of health shall require. Assays of vitamin D milk or milk products and/or fortified milk and milk products shall be made as required and in a laboratory acceptable to the commissioner of health.

4. NOTIFICATION. Whenever 2 out of the last 4 samples taken on separate days from a milk distributor are found to have bacteria counts or coliform determinations which exceed the limit of the standard for the milk or milk product as specified in s. 69-10, the department shall send written warning notice of intent to suspend the distributor's license. This notice shall be in effect so long as 2 of the last 4 consecutive samples exceed the limit of the standard. An additional sample shall be taken within 14 days of the sending of such notice, but not before the lapse of 3 days. Violations of the bacteria or coliform standards in 3 of the last 5 samples shall be cause for immediate suspension of the license and/or court action as provided for in s. 69-16.

### 69-10. Standards for Milk and Milk Products.

1. GRADE A PRODUCTS. All Grade A pasteurized milk and milk products shall be produced, processed and pasteurized to conform with the chemical, bacteriological, and temperature standards set forth in this section, and also the sanitation requirements of chs. ATCP 60, 80 and 82, Wis. Adm. Code, as amended, and U.S. public health service 1965 Grade A pasteurized milk ordinance.
2. APPROVED METHOD. No process or manipulation other than pasteurization, processing methods integral therewith, and appropriate refrigeration shall be applied to milk and milk products for the purpose of removing or deactivating microorganisms.
3. CHEMICAL, BACTERIOLOGICAL AND TEMPERATURE STANDARDS FOR GRADE A MILK AND MILK PRODUCTS. All milk and milk products shall be handled in such a manner as to meet the following standards:
  - a. Grade A Pasteurized Milk and Milk Products (Except Cultured Products).



a-1. Temperature: Cooled to and stored at 40° F. or less after pasteurization, except that on delivery vehicles and in retail store display cases the temperature of milk and milk products shall not exceed 45° F.

a-2. Bacterial limits, D Milk and milk products: 20,000.

a-3. Coliform limit: Not exceeding 10.

a-4. Phosphatase: Less than 1 microgram, by sharer rapid method or equivalent by other means.

a-5. Bacterial and coliform standards specified in this section shall be based upon sample volumes of one ml. or one gram, in accordance with recommendations contained in "Standard Methods for the Examination of Dairy Products," twelfth edition, published by the American Public Health Association, Inc.

b. Grade A Pasteurized Cultured Products.

b-1. Temperature: Cooled to and stored at 40° F. or less after incubation except that on delivery vehicles and in retail store display cases the temperature of cultured products shall not exceed 45° F.

b-2. Coliform Limit: Not exceeding 10.

b-3. Phosphatase: Less than 1 microgram, by sharer rapid method or equivalent by other means.

**4. COMPLIANCE.** The commissioner of health, if he deems it necessary to protect the consumer, may set forth and require compliance with additional standards on Grade A milk and milk products in rules and regulations adopted under the authority of s. 69-15.

**69-11. Milk Contamination. 1. BY EMPLOYEE, ETC.** No person affected with any disease in a communicable form, or while a carrier of such disease, shall work in any capacity which brings him into contact with the production, handling, storage or transportation of milk, milk products, containers, equipment and utensils; and no employer shall employ in any capacity any such person or any person suspected of having any disease in a communicable form or being a carrier of such disease. Any distributor, conveyor or seller of milk or milk products, upon whose place any communicable disease occurs, or who suspects that any employee has contacted any disease in a communicable form, or has become a carrier of such disease, shall notify the commissioner of health immediately.

**2. PROCEDURE.** When reasonable cause exists to suspect the possibility of transmission of infection from any person concerned with the handling of milk and/or milk products, the commissioner of health is authorized to require any or all of the following measures:

a. The immediate exclusion of that person from milk or milk product handling.

b. The immediate exclusion of the milk or milk product supply which may have been contaminated from distribution and use.

c. Adequate medical and bacteriological examination of the person, of his associates, and of his and their body discharges.

**69-13. Enforcement. 1.** This chapter shall be enforced by the commissioner of health. Where applicable the commissioner of health may utilize the interpretations contained in the "Grade A Pasteurized Milk Ordinance with Administrative Procedures-1965 Recommendations of the United States Public Health Service," a copy of which shall be on file in the office of the commissioner of health.

**2.** Whenever upon inspection of any establishment, vehicle, place or product regulated under this chapter, the commissioner of health finds that conditions or practices exist which are in violation of this chapter, the commissioner of health shall issue a written order setting forth the nature of the violation or violations. This order, which may be served personally or by certified or registered mail to the operator of such establishment, vehicle or place shall direct him to correct such practices or conditions within a reasonable period of time, to be determined by the said commissioner. If, at the end of such period of time, a reinspection by the commissioner of health reveals that such practices or conditions have not been corrected, he shall, unless otherwise provided in this chapter, institute action as provided under s. 69-16.

**69-14. Inspection Standards. 1. ACCESS; RECORDS.** Every person who sells, distributes, stores or handles milk and milk products shall, upon request of the commissioner of health, permit him access to all parts of his establishment or facilities to determine compliance with this chapter. A distributor shall furnish the commissioner of health, upon

## **69-15 Milk and Milk Products**

request, for official use only, a true statement of the actual quantities of milk and milk products purchased and sold and a list of all sources of such milk and milk products, records of inspections, tests, and pasteurization time and temperature records.

### **2. CONFIDENTIAL INFORMATION.**

It shall be unlawful for any person who in an official capacity obtains any information under this chapter which is entitled to protection as a trade secret, including information as to quantity, source, or disposition of milk or milk products, to use such information to his own advantage or to reveal it to any unauthorized person.

### **69-15. Adoption of Rules and Regulations.**

The commissioner of health is authorized to make and adopt written rules and regulations as may be necessary for the proper enforcement of this chapter. The commissioner of health shall file a certified copy of all rules and regulations which he may adopt with the city clerk and the legislative reference bureau, and a certified copy of such rules and regulations shall also be on file in the office of the commissioner of health. Such rules and regulations shall have the same force and effect as the provisions of this chapter, and the penalty for violations thereof shall be the same as the penalty for violations of this chapter as hereinafter provided.

**69-16. Penalty.** Any person violating any provision of this chapter shall be subject to a Class F penalty, as provided in s. 61-12.

**LEGISLATIVE HISTORY  
CHAPTER 69**

Abbreviations:

am = amended  
cr = created

ra = renumbered and amended  
rc = repealed and recreated

m = renumbered  
rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
ch. 69	rc	72-4	5/25/72	6/10/72
69-1-15	am	930451	7/27/93	8/13/93
69-1-20	rp	030504	11/14/2003	1/1/2004
69-1-21	m to 69-1-20	030504	11/14/2003	1/1/2004
69-1-22	m to 69-1-21	030504	11/14/2003	1/1/2004
69-1-23	m to 69-1-22	030504	11/14/2003	1/1/2004
69-1-24	m to 69-1-23	030504	11/14/2003	1/1/2004
69-1-25	m to 69-1-24	030504	11/14/2003	1/1/2004
69-1-26	m to 69-1-25	030504	11/14/2003	1/1/2004
69-1-27	m to 69-1-26	030504	11/14/2003	1/1/2004
69-1-28	m to 69-1-27	030504	11/14/2003	1/1/2004
69-1-29	m to 69-1-28	030504	11/14/2003	1/1/2004
69-2-1-b	rp	030504	11/14/2003	1/1/2004
69-2-1-c	m to 69-2-1-b	030504	11/14/2003	1/1/2004
69-2-1-d	am	78-2317	5/1/79	5/17/79
69-2-1-d	m to 69-2-1-c	030504	11/14/2003	1/1/2004
69-2-3	rc	78-2317	5/1/79	5/17/79
69-2-3	am	881803	1/24/89	2/11/89
69-2-3	rp	031287	1/21/2004	2/7/2004
69-2-3-b	am	74-1521	10/2/75	11/7/75
69-2-3-b	am	74-1521-a	11/11/75	12/3/75
69-6-1	am	930451	7/27/93	8/13/93
69-10-1	am	930451	7/27/93	8/13/93
69-13-1	am	960621	7/30/96	8/16/96
69-16	rc	892543	5/29/90	6/15/90

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